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**JUL 27 2004**

**OFFICE OF PETITIONS**

In re Application of  
Robert D. Horning, et al.  
Application No. 09/873,931  
Filed: June 4, 2001  
Attorney Docket No. H16-16009 US

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed July 6, 2004, to revive the above-identified application. The application became abandoned for failure to timely reply to a final Office action mailed December 4, 2002.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. Petitioner may request a refund of the \$110 extension fee in writing. A copy of this decision should accompany petitioner's request.

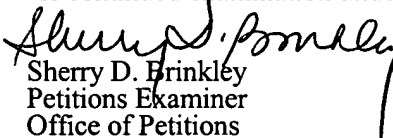
The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-9220.

The application is being forwarded to Technology Center AU 2814, for further processing of the request for continued examination under 37 CFR 1.114 filed July 6, 2004.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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